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APPLICATION NO.	- T	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,464		01/26/2004	Roel C. Espina	TMIPRO.003A	8573
20995	759	0 04/18/2006		EXAMINER	
		RTENS OLSON &	BROWN, PETER R		
2040 MAIN FOURTEE				ART UNIT	PAPER NUMBER
IRVINE, C	IRVINE, CA 92614			3636	
				DATE MAILED: 04/18/200	6

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summer	10/765,464	ESPINA ET AL.				
Office Action Summary	Examiner	Art Unit				
	Peter R. Brown	3636				
The MAILING DATE of this communicat Period for Reply	ion appears on the cover sheet	with the correspondence a	ddress			
A SHORTENED STATUTORY PERIOD FOR WHICHEVER IS LONGER, FROM THE MAIL - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutor. Failure to reply within the set or extended period for reply will, Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ING DATE OF THIS COMMUN 7 CFR 1.136(a). In no event, however, may ation. ry period will apply and will expire SIX (6) Mi by statute, cause the application to become	NICATION. a reply be timely filed ONTHS from the mailing date of this ABANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed o	n					
	This action is non-final.					
3) Since this application is in condition for		atters, prosecution as to th	ne merits is			
closed in accordance with the practice u						
Disposition of Claims						
4)⊠ Claim(s) <u>1-27</u> is/are pending in the appl	ication.					
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) ☐ Claim(s) is/are allowed.						
6) ☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-27</u> are subject to restriction a	and/or election requirement.		·			
Application Papers			•			
9) The specification is objected to by the E	xaminer.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by	the Examiner. Note the attach	ed Office Action or form P	'TO-152.			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for a) All b) Some * c) None of:	foreign priority under 35 U.S.C	. § 119(a)-(d) or (f).				
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International	Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892)	·	w Summary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-	· · · ·	lo(s)/Mail Date of Informal Patent Application (P	TO-152)			
Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date	6) Other:		·,			

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Art Unit: 3636

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-24, drawn to a foam bun in a vehicle backrest for housing a component, classified in class 297, subclass 188.04.

II. Claims 25-27, drawn to methods of fabricating and forming a foam bun with a receptacle for housing a component, classified in class 156.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product could be made by forming the rear of the bun from a material that is easily compressible, and forcing the component into the material before securement thereof to a frame, wherein a pre-formed opening is not required.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

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This application contains claims directed to the following patentably distinct species: A first set involving that of figures 6A,B; that of figures 7A,B; that of figures 8A,B; and that of figures 9A,B. Another set of species involves that of figure 10; that of figure 11; and that of figure 12.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from each set for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse.

To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 571-272-6853. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter & Brown Primary Examiner Art Unit 3636

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